

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6620

BILL NUMBER: HB 1525

NOTE PREPARED: May 5, 2003

BILL AMENDED: Apr 26, 2003

SUBJECT: Contributing to Delinquency.

FIRST AUTHOR: Rep. Kuzman

FIRST SPONSOR: Sen. Landske

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (CCR Amended) This bill has the following provisions:

- A. It provides that unless ordered by the court, a prosecutor may not disclose information identifying a crime victim during discovery and other proceedings. It provides that the court may impose reasonable restrictions on disclosures of crime victim identifying information.
- B. It makes the offense of resisting law enforcement a Class D felony instead of a Class A misdemeanor if, while committing the offense, a person draws or uses a deadly weapon or inflicts bodily injury on another person. It makes the offense a Class C felony if: (1) a person uses a vehicle to flee from a law enforcement officer; or (2) while committing the offense, a person operates a vehicle in a manner that creates a substantial risk of bodily injury to another person or causes serious bodily injury to another person.
- C. It provides a defense to the offense of trafficking with an inmate. It provides that certain penal facility employees are entitled to a review of an adverse employment determination based upon trafficking with an inmate.
- D. It makes contributing to delinquency a Class C felony instead of a Class A misdemeanor if a person furnishes alcohol or a controlled substance to a minor and consumption of the alcohol or drug is the proximate cause of the death of any person.

Effective Date: January 1, 2001 (Retroactive); July 1, 2003.

Explanation of State Expenditures: *Provision B:* Under current law, resisting law enforcement using a vehicle is a Class D felony. This provision enhances this offense to a Class C felony.

Background: Between FY 1997 and 2001, an average of 109 offenders were committed to Department of Correction (DOC) facilities for Class D felony resisting law enforcement. Some of these offenders inflicted

injury or used a deadly weapon while others used a vehicle to commit the offense or operated a vehicle in a manner that created a substantial risk of bodily injury to another person. Under this bill, offenders who operate a vehicle to resist arrest or operate a vehicle in a dangerous manner would be sentenced for a Class C felony instead of a Class D felony. The percentage of these offenders who operate a vehicle in the course of resisting arrest is not known. The average length of stay for a Class D felony is 10 months, while the average length of stay for a Class C felony is two years.

Provision D: State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. Under current law, contributing to delinquency is a Class A misdemeanor if someone at least 18 years of age knowingly or intentionally encourages, aids, induces, or causes a person less than 18 years old to commit an act of delinquency. If the act of delinquency resulted in the death of the person less than 18 years old, the crime would be a Class C felony.

The following table shows the potential range of incarceration for Class D and C felonies:

Felony Class	Minimum	Presumptive	Maximum
C	2 years	4 years	8 years
D	6 months	1.5 years	3 years

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: *Provision B:* No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D or C felonies.

Provision D: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: *Provision D:* If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.

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